

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

CHAPTER 105
HOUSE BILL 2214

AN ACT

AMENDING SECTION 9-821.01, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 9-821.01, Arizona Revised Statutes, is amended to
3 read:
4 9-821.01. Declaration of statewide concern; nonpartisan city
5 and town elections; districts; procedure
6 A. Arizona courts have recognized that the Constitution of Arizona
7 requires the legislature's involvement in issues relating to elections
8 conducted by charter cities, including initiative and referendum elections,
9 the method of elections other than by ballot, laws relating to primary
10 elections, voter registration laws to prevent abuse and fraud and campaign
11 finance laws. The legislature finds that the conduct of elections described
12 in this section is a matter of statewide concern.
13 B. Notwithstanding any other law, a city or town shall not hold any
14 election on candidates for which there is any indication on the ballot of the
15 source of the candidacy or of the support of the candidate.
16 C. Notwithstanding any other law, for any city or town that provides
17 for election of city or town council members by district, ward, precinct or
18 other geographical designation, only those voters who are qualified electors
19 of the district, ward, precinct or other geographic designation are eligible
20 to vote for that council member candidate in the city or town's primary,
21 general, runoff or other election.
22 D. Notwithstanding any other law or any charter provision, a city or
23 town may by ordinance provide that at the primary election any candidate for
24 the office of mayor or city council who receives a majority of all votes cast
25 at ~~such~~ THAT election FOR THAT OFFICE shall be declared elected to the office
26 for which ~~he~~ THE PERSON is a candidate, effective as of the date of the
27 general election, and no further election shall be held as to such candidate.
28 For the purposes of this subsection, ~~the city or town by ordinance may~~
29 ~~provide that the total of all votes tabulated for the candidates for the~~
30 ~~office of mayor constitutes the total number of votes cast at the election~~
31 ~~and shall be the basis for calculating whether a candidate for mayor or city~~
32 ~~council has received a majority of all votes cast at the election~~ THE
33 MAJORITY OF VOTES CAST IS DETERMINED BY:
34 1. CALCULATING THE TOTAL NUMBER OF ACTUAL VOTES CAST FOR ALL
35 CANDIDATES FOR AN OFFICE WHOSE NAMES WERE LAWFULLY ON THE BALLOT FOR THAT
36 OFFICE.
37 2. DIVIDING THE SUM REACHED PURSUANT TO PARAGRAPH 1 OF THIS SUBSECTION
38 BY THE NUMBER OF SEATS TO BE FILLED FOR THE OFFICE.
39 3. DIVIDING THE NUMBER REACHED PURSUANT TO PARAGRAPH 2 OF THIS
40 SUBSECTION BY TWO AND ROUNDING THAT NUMBER TO THE HIGHEST WHOLE NUMBER.
41 E. IF MORE CANDIDATES RECEIVE A MAJORITY OF VOTES CAST THAN THERE ARE
42 SEATS TO BE FILLED FOR THE OFFICE PURSUANT TO SUBSECTION D OF THIS SECTION,
43 FROM AMONG THOSE CANDIDATES WHO RECEIVE A MAJORITY OF VOTES CAST, THE
44 CANDIDATES WHO RECEIVE THE HIGHEST NUMBER OF VOTES EQUAL TO THE NUMBER OF
45 SEATS TO BE FILLED FOR THE OFFICE SHALL BE DECLARED ELECTED TO THAT OFFICE.

1 F. IF AT THE PRIMARY ELECTION NO CANDIDATE RECEIVES THE MAJORITY OF
2 THE VOTES CAST OR THE NUMBER OF SEATS TO BE FILLED FOR THE OFFICE IS MORE
3 THAN THE NUMBER OF CANDIDATES WHO RECEIVE A MAJORITY OF VOTES CAST, OF THE
4 CANDIDATES WHO DID NOT RECEIVE A MAJORITY OF VOTES CAST, THE NUMBER OF
5 CANDIDATES WHO ADVANCE TO THE GENERAL OR RUNOFF ELECTION SHALL BE EQUAL IN
6 NUMBER TO TWICE THE NUMBER OF SEATS TO BE FILLED FOR THE OFFICE AND THE
7 CANDIDATES WHO RECEIVED THE HIGHEST NUMBER OF VOTES FOR THE OFFICE SHALL BE
8 THE ONLY CANDIDATES AT THE GENERAL OR RUNOFF ELECTION. IF MORE THAN ONE
9 CANDIDATE RECEIVED AN EQUAL NUMBER OF VOTES AND THAT NUMBER WAS THE HIGHEST
10 NUMBER OF VOTES FOR THE OFFICE, THEN ALL CANDIDATES RECEIVING THE EQUAL
11 NUMBER OF VOTES SHALL BE CANDIDATES AT THE GENERAL OR RUNOFF ELECTION. THE
12 CANDIDATES EQUAL IN NUMBER TO THE SEATS TO BE FILLED FOR THE OFFICE WHO
13 RECEIVE THE HIGHEST NUMBER OF VOTES AT THE GENERAL OR RUNOFF ELECTION SHALL
14 BE DECLARED ELECTED TO THAT OFFICE. IF TWO OR MORE CANDIDATES RECEIVE AN
15 EQUAL NUMBER OF VOTES CAST FOR THE SAME OFFICE, AND A HIGHER NUMBER THAN ANY
16 OTHER CANDIDATE, THE CANDIDATE WHO SHALL BE DECLARED ELECTED SHALL BE
17 DETERMINED BY LOT IN THE PRESENCE OF THE CANDIDATES.

18 ~~E.~~ G. In addition to subsection D OF THIS SECTION, any town with a
19 population of five thousand persons or less ~~according to the most recent~~
20 ~~United States decennial census~~ may by majority vote of the qualified electors
21 of the town voting on the question provide that at the primary election those
22 candidates receiving the highest number of votes for the offices to be filled
23 shall be declared elected to the office, and no further election shall be
24 held if at least three-fifths of the seats are filled by persons receiving a
25 majority of the votes cast as provided in subsection D OF THIS SECTION.

APPROVED BY THE GOVERNOR MARCH 30, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 2015.